

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

WYETH,

Plaintiff,

v.

IMPAX LABORATORIES, INC..

Defendant.

C.A. No. 06-222 (JJF)

**Notice of Prior Art Pursuant to 35 USC §282**

Pursuant to 35 USC §282, defendant Impax Laboratories, Inc., (“Impax”) hereby gives notice of the following prior-art references as being an anticipation or showing the state of the art, and reserves the right to present evidence and testimony regarding any or all such references at the upcoming July 8, 2008 trial.

**A. Prior Art Cited in Expert Reports**

Any and all prior art references cited in the three expert reports filed by Arthur H. Kibbe on September 27, 2007, October 22, 2007, and October 31, 2007.

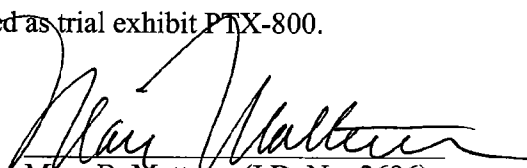
**B. Prior Art Cited in the Impax Motions for Summary Judgment**

Any and all prior art references cited in (1) Impax’s Motion for Summary Judgment of Anticipation and Obviousness; (2) Impax’s Motion for Summary Judgment of Noninfringement, Lack of Written Description, Lack of Enablement, Misjoinder of Inventors, and Indefiniteness, both filed on November 30, 2007; and (3) Impax’s Consolidated Reply to Wyeth’s Counterstatements, filed on January 15, 2008.

**C. Prior Art Cited by the United States Patent and Trademark Office**

Any and all prior art references cited in the Ex Parte Reexamination of application No. 90/008,142, dated 2/13/2008, previously designated as trial exhibit PTX-800.

Dated: June 6, 2008



Mary B. Matterer (I.D. No. 2696)  
MORRIS JAMES LLP  
500 Delaware Avenue, 15th Floor  
Wilmington, DE 19801  
Telephone: (302) 888-6800  
mmatterer@morrisjames.com

Daralyn J. Durie  
Daniel Purcell  
KEKER & VAN NEST LLP  
710 Sansome Street  
San Francisco, CA 94111  
Telephone: (415) 391-5400

*Attorneys for Defendant  
Impax Laboratories, Inc.*